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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/639,442

08/13/2003

Benad Goldwasser

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04/18/2006

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EXAMINER

HOEKSTRA, JEFFREY GERBEN

ART UNIT

PAPER NUMBER

3736

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/639,442	Applicant(s) GOLDWASSER, BENAD	
	Examiner Jeffrey G. Hoekstra	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 12/12/2005, 01/04/2006, and 02/09/2006 are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statements.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 6, 11, 12, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sammler et al (US 6,544,216 B1). For claims 1, 11, and 16, Sammler et al discloses a guidewire 51, gastrointestinal tool 17 formed with a bore for inserting guidewire, and inflatable device 35,35a configured to pull said guidewire. For claims 5, 6, and 14, Sammler et al discloses a catheter 17 slidably engaged over a guidewire wherein the catheter has a lumen inherently capable of operating as introduction of medical instruments and fluids. For claim 12, Sammler et al discloses a tool 10 slidably engaged over a guidewire that cooperates with gastrointestinal tool or catheter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammler et al in view of Panescu et al (5740808). Sammler et al discloses the claimed invention except for a distal stop and intravascular imaging. Panescu teaches a distal stop 20 that prevents further transverse movement of gastrointestinal tool and teaches a variety of intravascular imaging probes/ devices (column 6 line 61 – column 9 line 60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Sammler et al, with Panescu for the purpose advanced medical procedures requiring navigating medical instrumentation into bodily lumens.

6. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sammler et al in view of Panescu and in further view of Takada (4561427). Sammler et al in view of Panescu discloses an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a beveled edge for facilitating passage through a body lumen. Takada teaches an intravascular imaging device comprising beveled edges as seen in Figures 2, 5, and 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by

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Sammler et al in view of Panescu, with Takada in order to increase the ease of introduction of a device designed to image a body lumen.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammler et al in view of Panescu and in further view of Daniels et al (6296608).

Panescu discloses an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a cutting or sampling device. Daniels teaches an intravascular imaging device comprising a catheter and cutting and sampling devices as seen in Figures 6-9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Sammler et al in view of Panescu, with Daniels for the purpose of interventional procedures on tissue in vivo, e.g. obtaining a biopsy specimen.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sammler et al in view of Panescu and in further view of DeMarco (5353807). Panescu an intravascular device capable of imaging and treatment comprising a guidewire and various embodiments of distal tools except for the tool comprising a magnetic device. DeMarco teaches an intravascular device comprising a distally located magnetically guidable member 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Sammler et al in view of Panescu, with Daniels for the purpose of magnetically positioning a medical device for interventional procedures on tissue in vivo.

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9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sammler et al in view of Panescu and in further view of Ohshiro (4040413). Panescu discloses an intravascular device capable of expanding for imaging purposes except for the intravascular device comprising an inflatable sleeve having at least one channel. Ohshiro teaches an intravascular device comprising an inflatable sleeve 52a, 52b, 54a, 54b with at least one channel, best seen in Figures 5 and 6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intravascular imaging device as taught by Sammler et al in view of Panescu, with Ohshiro for the purpose of fixedly securing a medical device within a body lumen and positioning medical device for imaging tissue in vivo.

Response to Arguments

10. Applicant's amendments have been considered but are moot in view of the new ground(s) of rejection. The examiner notes no arguments were provided.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGH



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